

REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 22-25, 27-32, 34-37 and 39-51 were pending. Claims 22-25, 27-32, 34-37 and 39-51 were rejected.

In this response, claims 27, 34, and 41 have been canceled without prejudice. Claims 22, 29, and 36 have been amended. No new matter has been added.

Claims 22-25, 29-32, 36-37, 39, 42, 43, 46, 48, 49 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenny, U.S. Patent No. 6,026,376 ("Kenny") in view of Schena et al. and Wallace et al. Claims 28, 35 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenny, Schena et al. and Wallace and further in view of Anderson, U.S. Patent No. 5,991,601 ("Anderson"). Claims 44-45, 47 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenny, Schena et al., and Wallace and further in view of Suzuki et al., U.S. Patent No. 6,129,274 ("Suzuki").

It is not clear the status of claims 27, 34, and 41. Nevertheless, it is respectfully submitted that the cited references, individually or in combination, fail to disclose the limitations of claims 27, 34, 41, which have been incorporated into their respective independent claims 22, 29, and 36.

In view of the foregoing amendments, it is respectfully submitted that the currently pending claims (e.g., claims 22-25, 28-32, 35-37, 39-40, and 42-51) include limitations that are not disclosed or suggested by the cited references, individually or in combination.

Specifically, independent claim 22 recites as follows:

22. A method for facilitating electronic product ordering, comprising:
serving a web page to a remote personal electronic device having a browser
application to provide access to a user to products for electronic

ordering via the personal electronic device, the products including prescription medications and over-the-counter (OTC) medications;
receiving an electronic order made by the user for at least one of the products;
storing in a database user information for the user, including a user identification and a record of the electronic orders made by the user, as well as medical insurance information of a medical insurance card associated with the user, the medical insurance information including an insurance carrier name, a plan name and number, a group number, an insurance card holder name, a member ID, and relationship information indicating relationship of the user and a card holder of the insurance card;
determining with a cookie if the user is a registered user upon access of the web page by the user via the personal electronic device;
determining from the record a list of products previously ordered by the user;
providing automatically on the web page the list of products previously ordered by the user if the user is determined to be a registered user; ~~and~~
submitting electronically a new order for a previously ordered medication in response to the medication being selected from the list via the personal electronic device, wherein the new order is forwarded to a prescription distribution center if the new order is for prescription medication, and to an OTC distribution center if the new order is for over the counter (OTC) medication, the new order including a name and phone number of a doctor prescribing the ordered medication, a name and phone number of a pharmacy, and a prescription number;
receiving an acknowledgement message from one of the prescription distribution center and the OTC distribution center in response to the new order, the acknowledgement message including a national drug code, quantity information, refill information, prescription label information, dosage information, strength information, packaging information, pricing information, usage instructions;
transmitting an electronic order acknowledgement message to the user based on the acknowledgement message received from one of the prescription distribution center and the OTC distribution center, the electronic order acknowledgement message including the ordered medication to be dispensed and a co-payment amount required by the user; and
generating an invoice to a medical insurance carrier indicated in the medical insurance information if submitting the new order for the product comprises submitting an order for a medication covered by the medical insurance carrier.

(Emphasis added)

Independent claim 22 includes limitations for handling prescription order of prescription and OTC medications, storing the user information, doctor information, and the

medical insurance information, and using these information to process the prescription orders, including generating an invoice for medical insurance carrier for adjudication.

The independent claim 22 further includes limitations of receiving an acknowledgement message from one of the prescription distribution center and the OTC distribution center in response to the new order, the acknowledgement message including a national drug code, quantity information, refill information, prescription label information, dosage information, strength information, packaging information, pricing information, usage instructions, transmitting an electronic order acknowledgement message to the user based on the acknowledgement message received from one of the prescription distribution center and the OTC distribution center, the electronic order acknowledgement message including the ordered medication to be dispensed and a co-payment amount required by the user, and generating an invoice to a medical insurance carrier indicated in the medical insurance information if submitting the new order for the product comprises submitting an order for a medication covered by the medical insurance carrier. It is respectfully submitted that the limitations set forth above are absent from the cited references, individually or in combination.

Rather, none of the cited references is related to ordering prescription and non-prescription drugs over the Web. Although Wallace discloses remotely dispensing drugs, Wallace is related to remotely control the drug storage and dispense machine (e.g., the trays for storing the drugs) rather than prescribing the drugs over the Web using the user, doctor, and medical insurance information (see, Abstract and Summary of Wallace). Specifically, Wallace fails to disclose or suggest the limitations set forth above.

In addition, there is no suggestion within the cited references to combine with each other. Even if they were combined, such a combination still lacks the limitations set forth

above. In order to render a claim obvious, each and every limitations of the claim must be disclosed or suggested by the cited references, individually or in combination. It is respectfully submitted that the cited references, individually or in combination, fail to disclose or suggest the limitations set forth above. Therefore, it is respectfully submitted independent claim 22 is patentable over the cited references.

Similarly, independent claims 29 and 36 include limitations similar to those recited in claim 22. Thus, for the reasons similar to those discussed above, independent claims 29 and 36 are patentable over the cited references.

Given that the rest of the claims depend from one of the above independent claims, at least for the reasons similar to those discussed above, it is respectfully submitted that the rest of the claims are patentable over the cited references.


In view of the foregoing, Applicants respectfully submit the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

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